

SEP 16 2002

**Before the State of South Carolina
Department of Insurance**

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

21

In the matter of:

SCDI File Number 2002-112474 *113850*

James L. Woods

**Consent Order
Imposing Administrative Penalty
And Allowing Licensure**

1006 Park Avenue
Marion, South Carolina 29571

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and James L. Woods, an applicant for licensee as a State of South Carolina bail bondsman.

Woods submitted an application for a Bail Bondsman's License. The application was denied because of failure to disclose a conviction "criminal domestic violence 1st Offense". On his Application for Bail Bondsman License he responded "No" to question twelve, "Have you ever been convicted, pled guilty, or pled no contest in any criminal proceeding?" Woods contends that he read into the question and thought that it was speaking of felony convictions, his failure to disclose this information to the Department was inadvertent and not an effort to circumvent the insurance laws of this State.

Woods was informed of his statutory privilege to request a public hearing to appeal the denial of the Application pursuant to the provisions of S. C. Code Ann. § 38-53-16 (Supp. 2001). Subsequently, however, the parties agreed, rather than proceeding toward a formal public hearing, to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Woods would waive his right to a public hearing, pay a negotiated and consensual administrative fine of \$300, and submit a new, properly completed application to the Department with the appropriate response to question twelve.

S.C. Code Ann. §§ 38-53-90 (2001) require a candidate for licensure as a State of South Carolina bail bondsman to "be a person of good moral character." S.C. Code Ann. § 38-7-140 (Supp. 2001) makes it unlawful to fail to provide required information or to supply false or fraudulent information to the Department with the intent to evade a requirement of the State's insurance laws, the failure to disclose a conviction on an application could demonstrate untrustworthiness or lack of moral character.

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law that Woods failed to disclose his conviction on the application. This violation of South Carolina's insurance

JLW James L. Woods

laws casts doubt on his character and trustworthiness. I can, therefore, deny his application to be licensed as a South Carolina bail bondsman.

However, under the discretionary authority provided to me by the General Assembly within S.C. Code Ann. Section 38-2-10 (2) (Supp. 2001), I hereby allow Woods to become licensed as a bail bondsman and impose on him, as a precondition to his license, an administrative fine in the total amount of \$300, which must be paid within ten days of receipt of this consent order. I also hereby require, as a precondition to Wood's licensure, that he submit a new, properly completed application on his behalf.

The parties have reached this agreement in consideration of James L. Woods' good faith attempt to comply with the statutory requirements of this state and his assurance that in the future he will comply with the state's insurance laws, particularly providing accurate information in a timely manner. The parties expressly agree and understand James L. Woods' payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Woods acknowledges that he understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1998). Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1998), of the Director of Insurance, exercised either directly or through the Department to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore; ordered that James L. Woods shall within ten days of receipt of this consent order, pay through the Department an administrative fine in the total amount of \$300.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in James L. Woods' licensing file.

This consent order becomes effective as of the date of my signature below.

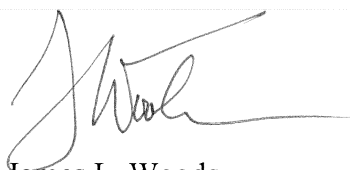
 James L. Woods



Ernst N. Csiszar
Director

^{Sep}
~~August~~ 19, 2002 at
Columbia, South Carolina

I CONSENT:



James L. Woods
1006 Park Avenue
Marion, South Carolina 29571

Dated this 13 day of ^{Sept 2002}~~August, 2002~~